

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. No. 04-10956-WGY

ERNEST OGLETREE,

Plaintiff

v.

CITY OF ATTLEBORO, STURDY  
MEMORIAL HOSPITAL, INC., JAMES G.  
MACDONALD, DOUGLAS JOHNSON,  
MICHAEL BARTUCCA, ROBERT ASTIN,  
and LEWIS RHEAUME,

Defendants

DEFENDANT, JAMES G.  
MACDONALD'S MOTION TO  
COMPEL DISCOVERY RESPONSES

Now comes the defendant, James G. MacDonald ("MacDonald") and hereby moves, pursuant to Fed. R. Civ. P. 37(a)(2)(B) and Local Rule 37.1, that this Honorable Court issue an order compelling plaintiff to serve Answers to Interrogatories and Responses to Request for Production of Documents forthwith. As grounds therefor, MacDonald states as follows:

1. On April 14, 2004, MacDonald was served with plaintiff's Complaint filed in Bristol Superior Court. On May 13, 2004, MacDonald removed the action to this Court.
2. On June 18, 2004, MacDonald's counsel served upon plaintiff: (a) MacDonald's Voluntary Disclosure of Discoverable Information; (b) MacDonald's First Set of Interrogatories; and (c) MacDonald's First Request for Production of Documents.
3. Pursuant to Fed. R. Civ. P. 33(b)(3) and 34(b), plaintiff's responses to the Interrogatories and Request for Production of Documents were due on or about July 18, 2004.
4. Defense counsel has had numerous discussions with plaintiff's counsel regarding the outstanding discovery responses.

5. Plaintiff's counsel has assured defense counsel that the discovery responses would be completed, but to date no responses have been served.
6. On June 28, 2006, defense counsel last conferred with plaintiff's counsel, pursuant to Local Rules 7.1(A)(2) and 37.1(A), indicating MacDonald's intent to file this motion to compel.
7. Accordingly, MacDonald seeks an Order, compelling plaintiff to serve responses to MacDonald's discovery requests forthwith.

DEFENDANT,  
JAMES G. MACDONALD,

By his attorneys,

/s/ Joseph L. Tehan, Jr.  
Joseph L. Tehan, Jr. (BBO# 494020)  
Sarah N. Turner (BBO #654195)  
Kopelman and Paige, P.C.  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
(617) 556-0007

CERTIFICATE OF SERVICE

I, Joseph L. Tehan, Jr., certify that the above document will be served by first-class mail upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically. /s/ Joseph L. Tehan, Jr.